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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BHAT, ADITYA S

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/025,717	Applicant(s) DODDEK ET AL.	
	Examiner Aditya S. Bhat	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pillar (USPN 6,553,290) in view of Rother (USPN 6,141,608).

With regard to Claim 1, Pillar (USPN 6,553,290) teaches a method for analyzing machine data, the machine data representing at least one condition of a machine, comprising the steps of:

storing said machine data in a data system; (Col. 7, lines 22-25)

defining a first testing procedure from a plurality of pre-defined owner input each associated with one or more diagnostic processes, wherein at least one of the owner inputs is associated with one or more diagnostic processes(col. 10, lines 58-65) that are different from the one or more diagnostic processes with which at least one of the other owner inputs is associated; (Col.7-8, lines 60-67 & 1-67)

processing said machine data based on said testing procedure to determine a machine exception, (Col. 5, lines 5-15)and generating a notification in the event of a machine exception. (Col.11, lines 50-52)

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With regard to Claim 2, Pillar (USPN 6,553,290) teaches selecting a test and defined parameters for said test. (Col.8 lines21-67, col.9-10, lines 1-67 & 1-40)

With regard to Claim 3, Pillar (USPN 6,553,290) teaches notification is relayed to a notification device. (Col.11, lines 50-52)

With regard to Claim 4, and 13 Pillar (USPN 6,553,290) teaches notification device is a hand held communications device. (33;figure 2)

With regard to Claim 5, Pillar (USPN 6,553,290) teaches procedure is run on a sequencer. (33;figure 2)

With regard to Claim 6, Pillar (USPN 6,553,290) teaches storing said machine data on said machine in packets; and transferring said packets via a communications network to said data system. (33,36; See figure 2)

With regard to Claim 7, Pillar (USPN 6,553,290) teaches streaming said machine data from said machine to said data system via a communications network. 36;figure 2)

With regard to Claim 8, Pillar (USPN 6,553,290) teaches a system for analyzing machine data, the machine data representing at least one condition of a machine, comprising:

a data system configured to store machine data; (Col. 7, lines 22-25)

an owner input device configured to accept a plurality of different owner inputs, each associated with one or more diagnostic processes (col. 10, lines 58-65), wherein at least one of the owner inputs is associated with one or more diagnostic processes

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that are different from the one or more diagnostic processes with which at least one of the owner inputs is associated; (Col.7-8, lines 60-67 & 1-67) and

an analyzer configured to accept a procedure selected by an owner, from said plurality of owner inputs, said analyzer configured to process said machine data based upon said procedure to determine a machine exception and generate a notification in the event of a machine exception (Col. 5, lines 5-15) (Col.11, lines 50-52)

With regard to Claim 9 and 22, Pillar (USPN 6,553,290) teaches a communications network for relaying said machine data from said machine to said data system. (36; see figure 2)

With regard to Claim 10, Pillar (USPN 6,553,290) teaches a communications network comprises wireless communication means. (Col.6, lines 44-53)

With regard to Claim 11, Pillar (USPN 6,553,290) teaches a procedure comprises a test selected by said owner and at least one parameter defined by said owner and associated with said test. (Col.8 lines21-67, col.9-10, lines 1-67 & 1-40) (Col. 10,lines 58-65)

With regard to Claim 12, Pillar (USPN 6,553,290) teaches a notification device for receiving said notification via said communications network. (figure 3)

With regard to Claim 14, Pillar (USPN 6,553,290) teaches a method for analyzing machine data, the machine data representing at least one condition of a machine, comprising the steps of:

storing said machine data in a data system; (Col. 2, lines 12-14)

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defining at least one testing procedure by selecting from a plurality of owner inputs, each associated with one or more diagnostic processes to be associated with said machine data, wherein at least one of the owner inputs is associated with one or more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the owner inputs is associated; (Col.8 lines 21-67, col.9-10, lines 1-67 & 1-40) (Col. 10,lines 58-65)

processing said machine data based upon said procedure (Col. 5, lines 5-15)

determining a machine exception from said procedure; (Col. 6, lines 54-56) and

generating a report in the event of said machine exception. (Col.11, lines 50-52)

wherein said defining step includes the steps of:

selecting at least one test to be associated with said machine data; (Col. 10,lines 58-65)

defining at least one parameter associated with said at least one test; (Col.8 lines 21-67, col.9-10, lines 1-67 & 1-40)

defining at least two limits for at least one parameter, wherein machine data that exceeds at least one of the limits is considered a machine exception; (Col.8 lines 21-67, col.9-10, lines 1-67 & 1-40) (see measurement range portion of chart) and

wherein said process step includes running said at least one test in relation to said machine data (col. 10, lines 40-45)

With regard to Claim 16 Pillar (USPN 6,553,290) teaches an analyzer based upon said procedure, which is defined by said owner, performs processing step. (Col.8 lines 21-67, col.9-10, lines 1-67 & 1-40) (Col. 10,lines 58-65) (15;figure 2)

With regard to Claim 17, Pillar (USPN 6,553,290) teaches a system for analyzing machine data, the machine data representing at least one condition of a machine, comprising:

a data system configured to store machine data; (Col. 7, lines 22-25) and
an owner input device configured to accept a plurality of different owner inputs, each associated with one or more diagnostic processes, wherein at least one of the owner inputs is associated with one or more diagnostic processes that are different from the one or more diagnostic processes with which at least one of the owner inputs is associated; (Col.7-8, lines 60-67 & 1-67) (Col.8 lines 21-67, col.9-10, lines 1-67 & 1-40) (Col. 10,lines 58-65)

wherein the owner input device is configured to accept owner input to:
select at least one test to be associated with said machine data; ((Col. 10,lines 58-65)

define at least one parameter associated with said at least one test; Col.8 lines 21-67, col.9-10, lines 1-67 & 1-40)

define at least two limits for at least one parameter, wherein machine data that exceeds at least one of the limits is considered a machine exception; (Col.8 lines 21-67, col.9-10, lines 1-67 & 1-40) (see measurement range portion of chart) and

an analyzer configured to accept a procedure selected by an owner, from said plurality of owner inputs, said analyzer configured to process said machine data based upon said procedure to determine a machine exception (Col. 5, lines 5-15) (Col.11, lines

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50-52) and generate a notification in the event of a machine exception (Col.11, lines 50-52) and

said analyzer generating a report in the event of said machine exception. (Col.11, lines 50-52)

With regard to Claim 18, Pillar (USPN 6,553,290) teaches: a communications network for relaying said machine data from said machine to said data system. (36;see figure 2)

With regard to Claim 19, Pillar (USPN 6,553,290) teaches the procedure is comprised of at least one test selected by said owner, said test having at least one associated parameter defined by said owner. (Col.8 lines 21-67, col.9-10, lines 1-67 & 1-40) (Col. 10,lines 58-65)

Pillar does not appear to teach defining the test procedure includes conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process.

Rother teaches defining the test procedure includes conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Pillar reference to include defining the test procedure includes conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process (col.1, lines 45-51) taught by Rother in

order to guide the user in the selection of test to be performed and minimize the performance of needless tests. (col. 2, lines 4-6)

Response to Arguments

Applicant's arguments filed 3/19/2007 have been fully considered but they are not persuasive.

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance applicant argues that the prior art of record does not teach
1) wherein defining the testing procedure includes conditioning at least one diagnostic process to execute automatically based on the results of at least one other diagnostic process Rother (col. 3, lines 25-33)

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A fundamental aspect of the invention is that it permits a fault-based drivability diagnosis of a vehicle. In such a fault-based mode of operation, the system essentially presents the user with a menu of problems indicated, e.g., by symptoms or service codes, and the user selects those 25 problems which are pertinent to the vehicle under test. Based upon the selected faults, the system then presents the user with a list of tests to be performed to diagnose the cause or causes of the faults. The tests are listed in the order in which they would most likely be effective in diagnosing the vehicle 30 faults, based upon the manufacturer's information and previous repair and diagnosis experience with this type of vehicle.

As shown in the cited passage the claims clearly read on the prior art of record. The tests listed in order can be interpreted as the testing procedure and diagnosis experience can be interpreted as the results from at least one other diagnostic process. With regards to it automatically executing (col. 4, line 13). Also examiner would like to point out that it has been held that broadly providing a mechanical or automatic means to replace manual activity, which has accomplished the same result, involves only routine skill in the art. In re Venner, 120 USPQ 192.

2) an analyzer configured to accept a procedure selected by an owner, from said plurality of owner inputs, Pillar (col.5,lines 22-25)said analyzer configured to process said machine data based upon said procedure to determine a machine exception (col. 5, 26-29) and generate a notification(Col.11, lines 50-52) in the event of a machine exception

3) there is no motivation to combine the references.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and

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that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 595 (CC PA) 1969.

4) defining at least two limits for at least one parameter, wherein machine data that exceeds at least one of the limits is considered a machine exception. See chart on columns 8-10. This chart shows numerous tests that can be performed by the diagnostic system. The chart also shows exemplary measurement ranges, for example the first test is an Engine RPM test with a range of 50-5000 RPM's. The 50 is being interpreted as a the lower limit, while the 5000 is consider the upper limit and the parameter being test is the average speed of the engine crankshaft. If the test finds that the results are outside that range then a machine exception has been found.

It is the examiner's position that the claimed invention reads on the combination of Pillar in view of Rother, thus the rejection is deemed proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 703-308-0332. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Aditya S. Bhat
June 10, 2007

BRYAN E.
PRIMARY EXAMINER

